

1 *E-filed on 6/13/07*

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

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12 IN RE CYGNUS TELECOMMUNICATIONS
13 TECHNOLOGY, LLC, PATENT
LITIGATION

No. MDL-1423
This Judgment Applies to:

14 CYGNUS TELECOMMUNICATIONS
15 TECHNOLOGY, LLC,

C-02-00145 RMW

AMENDED JUDGMENT

16 Plaintiff,

17 v.

18 INTERNATIONAL TELECOM LTD., et al.,

19 Defendants.

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21 On March 30, 2007, pursuant to its Claim Construction Order and Orders on Various
22 Summary Judgment Motions dated March 29, 2007, the court purported to enter final judgment
23 declaring that the patents-in-suit, U.S. Patent No. 5,883,964 and U.S. Patent No. 6,035,027, are
24 invalid under the on-sale bar of 35 U.S.C. § 102(b) and that defendant International Telecom Ltd.
25 does not infringe either patent.

26 The court's judgment did not address the remaining declaratory judgment counterclaims
27 brought by defendant International Telecom Ltd. against plaintiff seeking declarations that the
28 patents are invalid under 35 U.S.C. §§ 102, 103 and 112 and that the patents are not enforceable due

1 to inequitable conduct and breach of the duty of candor to the patent office. The court inadvertently
2 failed to include a direction for final entry of judgment pursuant to Fed. R. Civ. P. § 54(b) on the
3 claims resolved. Therefore, the court hereby directs that final judgment be entered: (1) declaring the
4 '964 and '027 patents invalid based upon the on-sale bar; and (2) adjudging that plaintiff take nothing
5 on its claim of patent infringement. The court expressly determines that there is no just reason for
6 delay in the entry of final judgment because the remaining counterclaims have been rendered moot
7 and will only become ripe for decision if this judgment is reversed.

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9 DATED: 6/13/07

RONALD M. WHYTE
United States District Judge

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1 **A copy of this judgment was mailed on 6/13/07 to:**

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9 Clerk of the Panel on Multidistrict Litigation
10 Thurgood Marshall Federal Judiciary Building
One Columbus Circle, N.E.
11 Room G-255, North Lobby
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12 Counsel is responsible for distributing copies of this order to co-counsel, as necessary.

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